

REMARKS

Claims 10-29 remain pending; claims 10 and 20 are independent claims. Claims 10 and 20 have been amended; claims 1-9 were previously cancelled. Reconsideration of the application, as amended, is respectfully requested.

Drawings

The drawings are objected to under 37 CFR § 1.83(a) as failing to show every feature of the invention specified in the claims. Specifically, the handle being elongated and parallel to the longer axis of the body (claims 13 and 24) and the string of Christmas lights being held in place in the track by the lock (claims 21 and 28) are not shown in the drawings. Accordingly, new Figs. 11-17 have been added and show those features. The new drawings contain no new matter; they merely show subject matter disclosed in the original specification. The specification has also been amended to refer to the new drawings.

Rejections under 35 USC § 112

Claims 10-29 stand rejected under 35 USC § 112 ¶ 1 as failing to comply with the written description requirement. It is asserted in the Office Action that the claims contain subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. The basis of the rejection is believed to be the point that, if both the width and length of the body are wider than the slot, as in the claims before being amended, it would not be possible to insert the lock into the slot.

The rejection is believed overcome, because it is respectfully submitted that the subject matter of amended claims 10-29 is described in the specification.

Each of claims 10 and 20 (as amended) recites “wherein the narrower axis of the body is *no wider* than the slot of the slotted track.” (Emphasis added.) The word “no” had been inadvertently omitted from Claims 10 and 20. It is stated in the specification (at page 5 line 12) that, “It is critical that the body 12 of the lock 10 ... have a length that is substantially equal to the width of the track system...” and (at page 6 line 9) that, “The lock 10 is inserted into the track, adjacent to the item to be secured.” The latter

condition makes it clear that the narrower axis of the body should be no wider than the width of the slot, because the wider axis (being substantially equal to the width of the track) is clearly wider than the slot. The specification clearly indicates that applicant has possession of the invention that includes the narrower axis of the body being no wider than the width of the slot. Claims 10 and 20 therefore satisfy the written description requirement of 35 USC § 112.

The Office Action contains further rejections under § 112 ¶ 1 with respect to certain dependent claims. Applicant respectfully submits that the amendments to the independent claims cure those rejections as well.

Each of claims 14, 18, and 27 recites “wherein the body comprises two rounded edges at opposite corners of a generally box-shaped body, which edges are parallel to the neck.” It is stated in the specification (at page 5 line 18) that, “Further, at least one, preferably two edges 15 of the body are rounded in order to allow the body 12 to more smoothly rotate within the track of a track system.” The referenced rounded “edges 15” are shown in the figures, such as Fig. 5, as being the edges generally parallel to the neck (as opposed to the edges on the top or bottom surfaces of the body). Claims 14, 18, and 27 therefore satisfy the written description requirement of 35 USC § 112.

Each of Claims 16 and 25 recites “wherein the body has two opposite sides not parallel to each other, which sides are generally parallel to the neck.” It is stated in the specification (at page 5 line 15) that, “Sides 13 are angled relative to each other such that the portion of the body that attached to the downward portion 18 is wider than its opposite side.” The referenced angled “sides 13” are shown in the figures as being the sides generally parallel to the neck (as opposed to the sides on the top or bottom surfaces of the body). Claims 16 and 25 therefore satisfy the written description requirement of 35 USC § 112.

Because the amendments to the claims and drawings place the application in condition for allowance or in better form for consideration on appeal, entry of the amendments under 37 CFR § 1.116 is respectfully requested. It would not require a new search to examine the claims with a typographic error (apparently noticed by the Examiner) fixed or to allow applicant to overcome the objections to the drawings.

Rejections under 35 USC § 102

Claims 10-13, 17, 20-24, and 26 stand rejected under 35 USC § 102(b) as being anticipated by Moreland (US 6,364,508).

The rejection is believed overcome, because claims 10-13, 17, 20-24, and 26 are neither anticipated by Moreland nor obvious in light of Moreland for at least the following reasons.

Each of claims 10 and 20 recites “wherein the body is sized … to fit *snugly* within the interior of the slotted track when the narrower axis is parallel to the track” (emphasis added). Moreland does not disclose a body “sized to fit snugly” within a slotted track in any orientation. The Office Action does not identify any portion or element disclosed by Moreland that states or shows such a body (although the Office Action contains citations to specific portions or features of the references with respect to other elements believed to match the claims).

In Moreland, crossbar 82 is integrally formed with slide mount 80 to form a kind of T-shaped structure, which fits into the slot of a track system. The intent is to enable the structure to slide along the track by retaining crossbar 82 within the track (see Fig. 3; column 6 lines 1-15 and elsewhere). Nowhere does Moreland disclose or suggest that the body (i.e., crossbar 82 or the T-shaped structure as a whole) ever fits snugly within the track. To the contrary, a snug fit would prevent the slide mount from sliding along the track. Nor is there any reason why it would be desirable to modify Moreland so as to fit the crossbar snugly within the track, because such a snug fit would render Moreland’s device unsuitable for its intended purpose (i.e., to slide along the slotted track).

Because not all elements and limitations of claim 10 or 20 are disclosed by Moreland, rejection under 35 CFR § 102 is improper. Withdrawal of the rejection is respectfully requested.

Claims 10-20 and 22-27 also stand rejected under 35 USC § 102(b) as being anticipated by Onishi (US 6,588,711).

The rejection is believed overcome, because it is respectfully submitted that claims 10-20 and 22-27 are neither anticipated by Onishi nor obvious in light of Onishi

for much the same reasons. As noted above, each of the independent claims requires that the body be “sized to fit snugly within” the slotted track. Onishi does not disclose that element any more than does Moreland.

Onishi discloses a fixture for fastening to a slotted rail that includes, *inter alia*, a threaded retaining plate (i.e., “fastening nut”) 1, a bracket 30/31/33, and a screw 4. Turning the screw apparently causes the retaining plate to move along the bracket, to enable tightening the fixture against the rail. The threaded retaining plate 1 is identified in the Office Action as corresponding to the body of the lock recited in the claims, and the portion 33 of the bracket is thought to correspond to the neck recited in the claims.

Nowhere does Onishi disclose or suggest that the retaining plate fits snugly within a slotted rail or track. Although the fixture of Onishi can be *fastened against* the slotted rail by tightening the screw (assuming the retaining plate is properly positioned), that is not the same as being *sized to fit snugly* within the slotted rail.

Like Moreland, modifying Onishi to have the retaining plate fit snugly within the slotted track would be inconsistent with Onishi’s plain intent to allow the plate to slide along the slotted track. Indeed, in Onishi, such a modification would make that inventor’s whole system of tightening the fixture against the rail with a screw unnecessary. Moreover, Onishi specifically teaches that a purpose of his invention is to prevent contact between the retaining plate and the rail during tightening of the screw into the retaining plate (e.g., column 2 lines 53-60), which purpose is contrary to the claimed feature of having a snug fit between the body and the rail.

Further, Onishi does not disclose that the bracket and retaining plate are integrally formed. Each of claims 10 and 20 recites “a neck *formed integrally* with the body at one end and *formed integrally* with the handle at the other end” (emphasis added).

Onishi discloses that the retaining plate is intended to slide along the portion 33 of the bracket. The retaining plate must slide along the portion 33 of the bracket to enable fastening of the fixture to the slotted rail. The bracket and retaining plate cannot be integrally formed and also provide the required movement. There is no indication that the fixture of Onishi can or should be modified to be integrally formed, because

such integral formation would render the fixture of Onishi unsuitable for its intended purpose.

Because not all elements and limitations of claim 10 or 20 are disclosed by Onishi, rejection under 35 CFR § 102 is improper. Withdrawal of the rejection is respectfully requested.

In view of the above distinctions based on the independent claims, it is not considered necessary to discuss further distinctions arising from select dependent claims.

Conclusion

In view of the above, it is respectfully submitted that Claims 10-29 are in condition for allowance. Reconsideration of the rejections is respectfully requested. Allowance of Claims 10-29 at an early date is earnestly solicited.

Respectfully submitted,
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